

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 20-42760

GEORGE POSEY, SR.,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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**ORDER GRANTING DEBTOR'S MOTION TO EXTEND  
THE AUTOMATIC STAY, WITH CONDITIONS**

This case was scheduled for a hearing to be held on March 26, 2020, on the motion by the Debtor to extend the stay (Docket # 14). The Court has reviewed the motion and related papers, and other parts of the record in this case, including the Debtor's proposed plan and the Debtor's schedules. The Court notes that the Chapter 13 Trustee does not object to the motion, and that Debtor and the Trustee have agreed on certain conditions to be imposed, as part of any order granting the motion. No creditor has filed an objection. Subject to the right of any creditor to object after the entry of this Order, stated below, the Court finds that a hearing on the motion is not necessary; that a hearing should not occur due to the temporary closing of this Court's facilities in Detroit that became effective on March 25, 2020, due to problems related to the ongoing Coronavirus pandemic; that the statutory presumption of a bad faith filing in this case is rebutted by clear and convincing evidence; and that the Debtor filed the current case in good faith as to all creditors.

Accordingly,

IT IS ORDERED that: (1) the motion is granted; and (2) the automatic stay under 11 U.S.C. § 362(a) is extended as to all creditors beyond the initial 30 days of this case under 11 U.S.C. § 362(c)(3), and will continue in effect as to all creditors, unless and until otherwise ordered, or until and to the extent the stay is modified, conditioned, or terminated under a provision of the Bankruptcy Code other than 11 U.S.C. § 362(c)(3).

IT IS FURTHER ORDERED that the following conditions are imposed under 11 U.S.C. § 362(c)(3)(B): (1) Debtor must be 100% current with plan payments, on the Trustee records or with proof of payments provided to the Trustee on May 7, 2020, which is one week before the confirmation hearing; and Debtor must be 100% current with plan payments, on the Trustee records or with proof of payments provided to the Trustee one week before any subsequent or adjourned confirmation hearing date. If Debtor fails to comply with any of these conditions, the Trustee may file an affidavit so attesting, and may submit an order of dismissal to the Court, and in that event this case will be dismissed without any further notice or hearing. (2) Debtor counsel must immediately serve a copy of this Order on all creditors, and then promptly file a proof of

such service. ***The extension of the automatic stay as provided in this Order is not effective until such proof of service is filed.*** Because no hearing was held on March 26, 2020, any creditor may file and serve, within 21 days after service of this Order, an objection to the motion to extend the stay and/or to this Order. If such an objection is timely filed, the Court will schedule a hearing and determine whether to vacate or modify this Order based on the merits of the objection(s).

**Signed on March 26, 2020**



**/s/ Thomas J. Tucker**

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**Thomas J. Tucker**  
**United States Bankruptcy Judge**